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Attorney for Defendant

JULIO MENDOZA MADRIGAL

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JULIO MENDOZA MADRIGAL, and
HEATHER LEIGH ROMOSER,

Defendants.

Case No.: 2:21-cr-0110 DAD

STIPULATION AND ORDER
CONTINUING STATUS CONFERENCE
AND EXCLUDING TIME UNDER THE
SPEEDY TRIAL ACT

Date: April 4, 2023

Time: 9:30 a.m.

Court: Hon. Dale A. Drozd

Plaintiff United States of America by and through Assistant United States Attorney
Angela Scott, and Attorney Todd Leras on behalf of Defendant Julio Mendoza Madrigal, and
Attorney Toni White on behalf of Defendant Heather Romoser, stipulate as follows:

1. This matter is set for a status conference on April 4, 2023. Defendants move to
continue the status conference to June 27, 2023.

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- 1 2. This case alleges the existence of a drug distribution conspiracy involving cocaine
2 and methamphetamine based in Stanislaus County. The investigation, conducted
3 under the supervision of the Federal Bureau of Investigation (FBI), took place over
4 the course of approximately two years from April 2019 to June 2021. It included
5 controlled purchases of cocaine and methamphetamine. The FBI also used court-
6 authorized wiretaps on at least eight target telephones associated with the drug
7 distribution conspiracy.
8
- 9 3. This matter was originally assigned to United States District Judge John A. Mendez.
10 The discovery in this case is voluminous, consisting of more than 115,000 pages of
11 materials including investigative reports, photographs, wiretap interception requests
12 and associated materials. The intercepted telephone calls alone comprise hundreds of
13 hours of conversations between various participants in both English and Spanish. On
14 January 13, 2022, Judge Mendez approved the appointment of a discovery
15 coordinator, Discovery Coordinating Attorney John C. Ellis, Jr., to assist the defense
16 with accessing and managing the materials produced by the government.
17
- 18 4. On March 1, 2022, Judge Mendez granted the request of Defendant Mendoza
19 Madrigal's previous counsel to withdraw from the case, appointing Attorney Todd
20 Leras as substitute counsel. (ECF Entry 90).
21
- 22 5. On August 25, 2022, the United States filed a "Notice of Related Cases" as to the
23 matter of *United States v. Juan Zamora Torres*, Case No. 2:21-cr-0109 DAD and this
24 matter. (ECF Entry 136). This Court issued a Related Cases Order on September 20,
25 2022. The Related Case Order effectively transferred this matter from Judge Mendez
26
27

1 to this Court. (ECF Entry 145).

- 2 6. Defendant Julio Mendoza Madrigal is presently housed at the Wayne Brown
3 Correctional Facility (WBCF) in Nevada City, California. WBCF is approximately
4 sixty-five miles from downtown Sacramento. Defendant Mendoza Madrigal's
5 primary language is Spanish. He is able to communicate in English but requires the
6 assistance of a Spanish language interpreter when discussing complex matters such as
7 negotiated resolution of the case, application of sentencing guidelines to the charged
8 facts, and the manner by which a district court selects a sentence. Attorney travel for
9 client visits is therefore a necessary part of discovery review and defense preparation
10 in this case. The assistance of a Spanish interpreter will also be required increasingly
11 as the case moves toward a potential negotiated disposition.
- 12 7. WBCF restricts attorney use of electronic devices, requiring facility pre-approval and
13 assignment to a specific visiting area before access to audio and video evidence
14 during client meetings is permitted. These restrictions complicate review of recorded
15 portions of the discovery with Defendant Mendoza Madrigal.
- 16 8. Defense counsel for both defendants require additional time to continue review of the
17 discovery materials with their respective clients and to conduct defense investigation
18 stemming from them.
- 19 9. Undersigned government counsel was recently informed by the FBI case agent for
20 this investigation that Defendant Dorian Willes passed away last week in Idaho.
21 Undersigned government counsel informed Defendant Willes' counsel, Christopher
22 Cosca, of Defendant Willes's passing. Given that Mr. Cosca's client is deceased, Mr.

1 Cosca is not joining in this stipulation. Undersigned government counsel has asked
2 the FBI to obtain a copy of Defendant Willes's death certificate, at which point the
3 government will move to dismiss the case against Defendant Willes. Defendants
4 Juan Zamora Torres and Robert Lewis McCommas have been sentenced in this
5 matter. (ECF Entries 126 and 148). Consequently, neither Defendant Torres nor
6 Defendant McCommas join in this stipulation.
7

8 10. Given the continuing defense review of the discovery materials and investigation of
9 matters related to them, Defendants Mendoza Madrigal and Romoser request to
10 continue the status conference to June 27, 2023. They further move to exclude time
11 between April 4, 2023 and June 27, 2023, inclusive, under Local Codes T-2 and T-4.
12 The government does not oppose the request.
13

14 11. Defense counsel for Defendants Mendoza Madrigal and Romoser represent and
15 believe that failure to grant additional time as requested would deny Defendants the
16 reasonable time necessary for effective preparation, considering the exercise of due
17 diligence.
18

19 12. Based on the above-stated facts, Defendants jointly request that the Court find that the
20 ends of justice served by continuing the case as requested outweigh the best interest
21 of the public and the Defendants in a trial within the time prescribed by the Speedy
22 Trial Act.
23

24 13. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et*
25 *seq.*, within which trial must commence, the time period of April 4, 2023 to June 27,
26 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), and
27

(B)(ii) and (iv) [Local Codes T-2 and T-4] because it results from a continuance granted by the Court at Defendants' request on the basis that the case is complex and that the ends of justice served by taking such action outweigh the best interest of the public and the Defendants in a speedy trial.

14. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

Assistant U.S. Attorney Angela Scott, and Attorney Toni White on behalf of Defendant Heather Leigh Romoser, have reviewed this stipulation and proposed order and authorized Todd Leras via email to sign it on behalf of their respective clients.

DATED: March 28, 2023

PHILLIP A. TALBERT
United States Attorney

By /s/ Todd D. Leras for
ANGELA L. SCOTT
Assistant United States Attorney

DATED: March 28, 2023

By /s/ Todd D. Leras
TODD D. LERAS
Attorney for Defendant
JULIO MENDOZA MADRIGAL

DATED: March 28, 2023

By /s/ Todd D. Leras for
TONI L. WHITE
Attorney for Defendant
HEATHER LEIGH ROMOSER

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ORDER

BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is hereby ordered that the status conference in this matter, scheduled for April 4, 2023, is vacated. A new status conference is scheduled for June 27, 2023, at 9:30 a.m. The Court further finds, based on the representations of the parties and the request of all defense counsel, that the ends of justice served by granting the continuance outweigh the best interests of the public and the Defendants in a speedy trial. Time shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(ii) and (iv) and Local Codes T-2 and T-4, to allow necessary attorney preparation taking into consideration the exercise of due diligence for the period from April 4, 2023, up to and including June 27, 2023.

IT IS SO ORDERED.

Dated: March 29, 2023

Dale A. Drozd
UNITED STATES DISTRICT JUDGE

ORDER CONTINUING STATUS
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